

LIST OF STATUTES

STATUTORY PROVISIONS AFFECTED BY THE TERMINATION OF THE STATE OF WAR

Bureau of the Budget
November 8, 1951

Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined)	Positions Stated by and "Commenting Agencies in 1950 Survey	Remarks by the Bureau of the Budget
11. Steagall Amendment. Act of July 1, 1941, sec. 4, ch. 270, as amended; 55 Stat 498; 15 U.S.C. 713a-28. Authority of Secy. of Agriculture to encourage expansion of production.	Agriculture CEA ESA		Existing emergency may refer to 1939 & 1941 emergencies which are assumed to terminate upon termination of the state of war
19. Act of Aug. 11, 1939, ch. 701; 53 Stat. 1418; 15 USC 713a-6. Authorizes sale by Commodity Credit Corp. of surplus commodities to foreign govts. on condition that these govts. do not dispose of these commodities for 5 yrs. " <u>unless a war or emergency results in a serious interruption of normal supplies of such commodities.</u> "	Agriculture Mutual Security Adm., State, CEA, ESA	AGRICULTURE: This authority has not been used; the 1950 emergency may not be construed to be a "war emergency." MUTUAL SECURITY: There are available other means of disposal of agricultural commodities and therefore termination of war is immaterial.	It is possible that
25a. First Deficiency" Act of Apr. 1, 1944, ch. 152, 58 Stat. 157. Appropriates \$250,000 to Bureau of Reclamation for temporary weir on the Colorado R., to be expended <u>within 6 mos. after end of war.</u>	Interior	INTERIOR: Had no objection to termination.	
25b. Sec. 122b, 57 Stat. 569, 23 USC 13b. Authorizes funds for roads and bridges which must be expended <u>within 1 yr. after termination of 1941 emergency.</u>	Commerce	COMMERCE: Of funds authorized only small balances remain unobligated so that termination would have little effect.	The 1941 emergency may be construed as terminated when state of war terminates.

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* 42. Act of Dec. 17, 1942, ch. 739; 56 Stat. 1053-4; 50 USC app. 1201 and 1151 note; 34 USC 498c-1 and note; 5 USC 652 and note.

Authority of Sec. Navy, when it is impossible to make contracts, etc., for items for prosecution of the war, to provide facilities and provide for their operation, etc.

Defense

DEFENSE: retention necessary; relates to 1951 appropriation for construction of aircraft for which specific project authorization is inappropriate.

no comment

* 44a. Act of June 16, 1938, ch. 458, sec. 3, 52 Stat. 708; 50 USC 93.

During any war in which the U.S. is engaged, the statutory limit on the educational orders for the manufacture of special munitions, etc., which may be awarded to any one factory is not operative.

Defense

DEFENSE: Termination of no material effect.

Why is this of no material effect? Termination of the war would seem to reimpose limits upon educational orders. Has it been superseded or repealed by provisions of the Def. Prod. Act of 1950 or some other law?

* 45. Tennessee Valley Act of May 18, 1933. 48 Stat. 62(m); 16 USC 831d(m); Sec. 5m.

Sec. 5m provides that none of its products can be sold for use outside the U.S. Govt. for use of the Army and Navy or to U.S. allies in case of war.

TVA

TVA: desirable to have authority to sell certain of its products to countries which will no longer be our allies when war is terminated. COMMERCE: agrees, mentioning nitrogenous fertilizer. DEFENSE: expiration of law will have no effect on its operations.

* 54. Act of June 15, 1917, 40 Stat. 219, sec. 6; 18 USC (recodified), 793.

Authority of the President in time of war or in case of national emergency to designate by proclamation places used for Army or Navy storage (including atomic bombs) as places concerning which information is not to be published in the interest of national defense; he may approve regulations concerning vessels in Territorial waters, upon declaring that a nat'l emergency exists by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the internal relations of the U.S.

DefenseAEC

Has the substance of this law been reenacted in any other bills? S. 595 and H. R. 4703, 81st C. would have amended these provisions. Question as to authority granted in this law exists because the wording in the 1950 emergency may not meet the requirements of this Act.

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* 55. April 20, 1918, ch. 59; 40 Stat. 533, as amended; 18 USC (recodified) secs. 2151 & 2153-2156. Penalties for injuring or making war material in a defective manner when the U. S. is at war.

Defense

Defense
Justice

Agencies in 1950 Survey

* 58. Act of Mar. 27, 1942; secs. 1301-4 ch. 199; 56 Stat. 185-6; 50 USC app. 643 & 643 a, b & c. Authority to inspect plants and audit books of war contractors during the present war as determined by the proclamation of the President.

Defense

GAO

DEFENSE: retention necessary for purposes of Defense Production Act of 1950, price revision, termination of contracts, Govt.- furnished property and other audits; RFC: this authority no longer needed by it.

* 60. Act of July 7, 1943, sec. 11; 57 Stat. 382; 44 USC 376. Destruction by the head of an agency of any records situated in any military or naval establishment etc. outside the U. S. at any time during the existence of a state of war between the U. S. and any other nation or when hostile action by a foreign power appears imminent.

State

Defense, GSA,
GIA, Justice

Authority under this law is doubtful because of possible interpretation that hostile action by a foreign power does not appear imminent under the present circumstances. Continu-

* 62. Act of June 3, 1916. Secs. 37 and 38, ch. 134; 39 Stat. 189, as amended, including Act of June 15, 1933; secs. 3 and 4, 48 Stat. 154 and 155; 10 USC 358; 32 USC 19.

Continuance of appointments in the Officers' Reserve Corps and in the National Guard of the U. S. in force at the outbreak of war are to continue in force until 6 months after its termination.

Defense

DEFENSE: retention is necessary; it permits the regular care of in any 5-year period to continue new legislation? only 6 months after the termination of the war.

* 66. Act of June 22, 1944. Ch. 272; 58 Stat. 324-326 50 USC app. 1591-98. Provision for the temporary appointment of certain members of the Army Nurse Corps, etc., as officers in the Army of the U.S. during the present emergency. Such temporary appointments are to continue until 6 months after the present emergency.

Defense

Has this been superseded by P.L. 36, 80th Cong.? Present emergency probably refers to 1939 or 1941 emergency which may be terminated by termination of the war.

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U.S. Act of May 15, 1945; ch. 124, 59 Stat. 168; 10 USC 513 note. Authority of the President, without the consent of Congress to appoint certain members of the Army of the U. S. to lower temporary grades, <u>until 6 months after the present war.</u>	Defense	DEFENSE: retention necessary; will be needed in any further reduc- tion program; permanent legislation is not needed.	

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71. Act of June 22, 1944, sec. 102, ch. 266; 58 Stat 285; 38 USC 693 (b) Detail of personnel from the armed forces to the VA until <u>6 mos. after the present war.</u>	Veterans Administration Defense	VA: this is urgently needed since it enables VA to alleviate staffing, particularly medical and related per- sonnel DEFENSE: its retention is not necessary as far as Defense is concerned.	Has this law been superseded by P.L. 69C, 67th Cong. or other laws?
79. Act of February 6, 1942, ch. 40; 56 Stat. 50 as amended; 10 USC 535 note. Provision for detail of personnel of all component parts of the Army of the U.S. as students at educational institutions, industrial plants etc. notwithstanding percentage personnel limitations of other laws, until 6 months after the present war.	Defense	DEFENSE: termination would have no material effect	
82a. Uniform Code of Military Justice, Act of May 5, 1950, section 10, 64 Stat. 147, P.L. 506, 81st Cong., 50 USC 739. Permits the President to dismiss officers <u>in time of war</u> without court martial procedure.	Defense Justice	DEFENSE: This authority should con- tinue because of Korean conflict and general world conditions.	
87. Act of July 8, 1942, ch. 493, sec. 5, 56 Stat. 649; 10 USC 299e. Authorization for appointment in the Air Corps Reserve of any person who has completed training and served <u>in time of war</u> as a commissioned or flight officer.	Defense	DEFENSE: the revival of this statute upon termination of war would make the recruiting of officers difficult.	
87a. Act of June 3, 1946, 39 Stat. 189 as amended, 10 USC 353. This act contains general restrictions on the appointment of Army and Air Force reserve officers <u>in time of peace.</u>	Defense		

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99. Act of June 15, 1933, sec. 18; 48 Stat. 160, as amended; 32 USC 81. <u>When Congress shall have declared a nat'l emergency and shall have authorized the use of armed land forces of the U.S. for any purpose, requiring use of troops in excess of those of Regular Army, the President may order units of the Nat'l Guard of the U.S. into active military service for the period of the war or emergency.</u>	Defense			Since Congress must declare the nat'l emergency, doubtful whether this authority will exist after termination of war. While Sen. Doc. 42 states authority herein was suspended by P.L. 239, 80th C., sec. 3. cannot find such suspension in this law. However, Supp. IV of USC states that P.L. 239 did suspend this authority.
100. Act of July 2, 1940, ch. 508, 54 Stat. 712-13; secs 1(a) and 1(b) extended June 5, 1942, ch. 340, sec. 13, 56 Stat. 319; 50 USC app. 773-776, 1171. <u>Authority of Sec. of War to provide for installations for manufacture of military equipment, at military posts, plants, etc. (including privately owned plants), and for storage and shelter, to exchange surplus equipment, etc., without certain restrictions, and to operate or dispose of plants, etc. until 6 mos. after present war.</u>	Defense			
102. Act of June 5, 1942, ch. 340, 56 Stat. 314, 50 USC app. 761-776. <u>Authority of Sec. of War until 6 mos. after present war; to provide entertainment and instruction to enlisted men; to employ internees in Medical Dept.; suspension of limits to strength of any branch of Army, number of aviation cadets in Army Air Corps, assistant superintendents in Army Nurse Corps, number and grade of Reserve officers ordered to extended active duty and number of officers of Army required to participate in aerial flights; certain powers of the Sec. of War concerning civilian employees, removal of dependents and household effects of civilians and military personnel; lease of Maritime Commission and War Shipping Administration vessels for Army transportation; construction at military posts; maximum fee of 6% for fixed fee contracts for construction at military posts; operation of one railroad and lease of land; suspension of limitations on number of airplanes, etc.</u>	Defense FSA, CSC, Commerce			DEFENSE: sec. 1, entertainment and instruction of enlisted personnel and employment and pay of internees, secs. 7 and 11, availability of funds, acquisition of land and interests in land, approval of title should be kept in effect. Secs. 5, 6, 8 and 10 relating to other provisions in Act are of no material effect. JUSTICE: as to secs. 7 and 11, Attorney Gen. will not have to clear title before acquiring land and that part of statute relating to employment of experts can be terminated.

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102a. Act of June 3, 1916, ch. 134, sec. 406, as added Act June 4, 1920, ch. 227, sec. 33; 41 Stat. 777, as amended. 10 USC 386. Prohibits detailing of officers and enlisted men as ROTC instructors without their consent <u>in time of peace.</u>	Defense	DEFENSE: the application of this statute would prevent the full utilization of regular officers where they might be best qualified; this statute should not be permitted to apply on termination of war.	page 7
102b. Act of Oct. 12, 1949, ch. 681, secs. 204(d) and 205(d), 63 Stat. 809, 810; 37 USC 235(d), 236(d). The President <u>may in time of war</u> suspend incentive pay for <u>No combat</u> hazardous duty.	Defense	Defense: inability to suspend pay will be of no material effect as far as Defense is concerned. Would like fuller explanation of why this effect would be of no material effect.	
107. Public Health Service Act of July 1, 1944, ch. 373, secs. 212, 213, 216 and 363; 58 Stat. 689, 690 and 704; 42 USC, 213, 214, 217 and 266. Commissioned officers of the Public Health Service shall be entitled to full military benefits with respect to active service outside the continental limits of the U.S. or in Alaska, " <u>in time of war.</u> " An allowance of \$250 for uniforms may be paid to each commissioned officer of the Public Health Service " <u>in time of war,</u> " who is appointed to the Regular Corps or called to active duty in the Reserve Corps in certain grades. " <u>In time of war,</u> " the President by Exec. Order may declare the commissioned corps of the Public Health Service to be a military service during which time it shall constitute a branch of the land and naval forces of the U.S. and be subject to Articles of War and Articles for the Govt. of the Navy. E.O. 9575 issued under this statute itself depends on the existence of a state of war.	FSA VA Defense	FSA: this authority needed by FSA and military to recruit & retain personnel for unpopular assignments.	
108. Military Personnel Claims Act of May 29, 1945, ch. 135, sec. 1, 59 Stat. 225, 31 USC 222(c) Extension, <u>to within 1 yr. after peace is established</u> of time limit on claims by military and civilian personnel of War Dept. where accident or incident occurs <u>in time of war</u> , or if war intervened within 2 yrs. after incident's occurrence.	Defense Justice US Courts	DEFENSE: retention necessary in view of Korean conflict; persons affected should have 1 yr. after conflict is ended for filing of their claims. ADM. OFFICE OF U.S. COURTS: On other hand, stated that termination of war would have desirable effect of speeding such suits into courts.	

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108a. Foreign Claims Act of Jan. 2, 1942, ch. 645; 55 Stat. 880, as amended, 31 USC 224i; 57 Stat. 66; 31 USC 224(d). Provides for prompt settlement of claims for damages oc- casioned by Army, Navy and Marine forces in foreign countries by commission appointed of officers of any of the services— not necessarily of services concerned— <u>time of war</u> .	<u>Defense</u>	Remarks by the Bureau of the Budget
113. Acts of July 24, 1941 and April 18, 1946, ch. 320, sec. 10, 55 Stat. 605, as amended; 34 USC 350i and ch. 141, sec. 5, 60 Stat. 92; 34 USC 15. Continuance <u>until 6 mos. after June 30 of fiscal year follow-</u> <u>ing end of present war</u> , of temporary status of Navy or Marine corps personnel appointed or advanced under authority of Act of July 24, 1941, and permanent appointment of reserve and temporary officers to regular Navy under Act of April 18, 1946.	<u>Defense</u>	DEFENSE: termination would have no material effect.
113a. Act of Aug. 4, 1942, sec. 10, ch. 547, 56 Stat. 738, 34 USC 850i. Certain conditions for employing naval aviation officers on active duty are imposed <u>during time of peace</u> .	<u>Defense</u>	DEFENSE: revival of these conditions upon coming of peace would have no material effect.

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<u>115. Act of May 25, 1943, ch. 101 57 Stat. 84-85; 34 USC 338a.</u> Provision authorizing eligibility of commissioned warrant officers and warrant officers to commissioned rank in Navy, Marine Corps, and Coast Guard extending provisions in act of June 27, 1942 (56 Stat. 423, sec. 2), until June 30 of the fiscal year following the termination of the present war.	<u>Defense</u>		
<u>116. Act of Dec. 14, 1944 and Act of March 23, 1946, 56 Stat. 802 803; 50 USC App. 1691 and note and ch. 112 sec. 1, 60 Stat. 59; 50 USC app. 1692 and note;</u> Authorization for grades of Fleet Admiral of the Navy and of General of the Army until 6 mos. after present war.	<u>Defense</u>	DEFENSE: termination of this act would affect pay and allowance of officers appointed under the 1946 Act; 5-star generals might not receive their pay and allowance unless the act is amended.	
<u>116a. Officer Personnel Act of August 7, 1947, sec. 316(m) of ch. 512, 61 Stat. 869; 34 USC supp. III 306(m).</u> No officer may continue to serve on active duty in the grade of Commodore later than 6 mos. after June 30 of the fiscal year following that in which the present war shall end.	<u>Defense</u>	DEFENSE: termination would have no material effect.	
<u>118. Act of Mar. 21, 1945, ch. 29; 59 Stat. 36, 37, 50 USC App. secs. 1711-1715;</u> Authority for grade and rank of general on the active list of the Regular Marine Corps until 6 mos. after present war.	<u>Defense</u>	DEFENSE: termination would have no material effect.	
<u>126. Act of Dec. 13, 1941, ch. 57C, sec. 1; 55 Stat. 799; 34 USC, 186, 201 b.</u> In time of war the Secy. of the Navy may extend enlistment periods in the regular Navy, Marine Corps and Coast Guard but for no more than 6 mos. after the termination of the conditions which originally authorized their detention.	<u>Defense</u>	DEFENSE: termination would have no material effect.	

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131a. Act of Nov. 5, 1941, ch. 468, sec. 1; 55 Stat. 759; 34 USC 841a (in part) <u>In time of peace</u> Navy student aviation pilots may with their consent, in the discretion of the Secy. of the Navy, serve for 2 more years on active duty.	<u>Defense</u>	DEFENSE: termination would have no material effect.	
151a. Naval Reserve Act of June 25, 1938, ch. 690, 52 Stat. 1176 et seq. The following sections of this act become operative <u>in time of peace</u> : Discharge rights of members of Naval Reserve, sec. 6, 52 Stat. 1176; 34 USC 853d; Service and employment rights of Fleet Reserve on active duty, sec. 205, 52 Stat. 1179; 34 USC, 854d; Rights of enlisted men transferred to Fleet Reserve after 16 years or more of service, sec. 206, 52 Stat. 1179-80, as amended, 34 USC 854e; Disability and hospital benefits to personnel of Naval Reserve engaged in active duty for periods of 30 days or less prior to official termination of World War II, sec. 304, 52 Stat. 1181 as amended; 34 USC 855c (fifth proviso) Appointment and commissioning of officers and Naval reserve, section 305; 52 Stat. 1182 as amended, 34 USC 855d; Distribution, officers of Naval Reserve, sec. 306, 52 Stat. 1182; 34 USC 855e; Training duty of members of Naval Reserve, sec. 315, 52 Stat. 1184; 34 USC 855n; Composition of Naval Reserve Policy Board, Sec. 316, 52 Stat. 1185, as amended, 34 USC, 855(o).	<u>Defense</u>	DEFENSE: coming of peace will have no material effect.	

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150b. Act of Oct. 8, 1940, ch. 765, sec. 4, 54 Stat. 1023, 34 USC, 853c-1 <i>During peacetime officers of the Naval Reserve and Marine Corps may, with their consent be employed on active duty.</i>	<u>Defense</u>		DEFENSE: termination of war would have no material effect.
158. Act of June 22, 1944, 58 Stat. 310, 31 USC Supp III Sec. 645a. <i>Employment of naval procurement fund authorized for the duration of the present wars.</i>	<u>Defense</u>		
159. Act of June 28, 1944, chap. 306, 58 Stat. 624; 10 USC 1213, 1214; 34 USC 555 a, b. <i>Provision for availability of appropriations for management and operation of naval plantations, etc. outside continental U.S. provided the management be by private contractor as far as possible after termination of the present war.</i>	<u>Defense</u> Commerce State		DEFENSE: Wants this authority continued largely for security reasons.
161. Act of Dec. 5, 1945, ch. 555, sec. 2, 59 Stat. 596; 34 USC 600b. <i>Omission of certain prejudicial matter in reports required to be made by the Secy. of Navy in the settlement of certain claims during any war.</i>	<u>Defense</u> Justice		DEFENSE: termination would have no material effect.
168. Act of Feb. 19, 1943, ch. 1, sec. 4, 57 Stat. 4; 22 USC 412 note. <i>Authority for lease of ships, boats, barges, or floating dry-docks of the Navy in accordance with Lend-Lease Act of March 11, 1941 (55 Stat. 31) for periods beyond the termination of present wars.</i>	<u>State</u> Defense Commerce		STATE: retention is necessary, it would be most undesirable to demand return of some of these ships when war terminates. COMMERCE: defers to State's recommendation. While this law does not permit any leases after June 30, 1946, prior to that time are still in effect and would be terminated by the termination of the state of war.

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172. Act of Aug. 2, 1946, ch. 756, sec. 37, P.L. 604 79th Cong. 34 USC 486a. Authority of the Secy. of Navy to exceed the statutory limit on repairs and alterations of vessels <u>in time of war and until the end</u> <u>of the first fiscal year thereafter.</u>	Defense		Sen. Doc. 42 states "probably superceding (54 Stat. 33, sec. 203)"
172a. Sec. 1534 R.S.; 34 USC 452. The President is authorized <u>in time of peace</u> , to keep such of the public armed vessels in actual service as may be required and may cause the others to be laid up.	Defense	DEFENSE: coming of peace will have no material effect.	
172b. R.S. 1535; 34 USC 453. The President has authority to officer and man the vessels in actual service <u>in time of peace</u> .	Defense	DEFENSE: coming of peace will have no material effect	
172c. Act of Dec. 17, 1943, ch. 349; sec. 1, 57 Stat. 604, 34 USC 498c-12. Authority of Navy to acquire additional auxiliary vessels, land- ing and district craft as the Secretary may consider best suited <u>for the prosecution of the war.</u>	Defense	DEFENSE: retention necessary	
176. Missing Persons Act of March 7, 1942, ch. 166. sec. 1-16; 56 Stat. 143-48 as amended; 50 USC App. 10C1, 1015. Provisions for continuance of pay of persons officially re- ported missing, missing in action, interned in a neutral country or captured by the enemy, and for payment of allotments, insurance premiums, death gratuities, etc., <u>until 1 yr. after the present war.</u>	Defense CIA State GAO, Treasury FSA, VA	DEFENSE: without continua- tion of this act payments to dependents can only be made on adjudication of death, usu- ally after 7 years. CIA: should be continued on a permanent broadened basis cov- ering citizens where no formal state of war. STATE: favors its retention.	This law expires 12 mos. after the proclamation of the termination of the war. It might not expire if war is terminated without a formal proclamation. If this law is terminated it also terminates the last 2 sentences of sec. 4e of the Selective Service Act of June 2d, 1948, ch. 625 62 Stat. 608; 50 USC App. 1001- 1017.

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205. Act of October 6, 1945, ch. 393, sec. 3(a) "sec. 1"; 59 Stat. 538; 50 USC App. 1531-34. Service of certain persons under 21 who have enlisted under act of June 1, 1945, without parents' or guardian's consent, <u>until 6 months after the present war.</u>	Defense		
207. Act of Sept. 16, 1942, ch. 561, secs. 1,2,3. 56 Stat. 753-7 as amended. 50 USC 301-3. Provision permitting voting by mail of persons serving in the land or naval forces of the U.S. who are eligible or qualified to vote under their State election laws.	Defense	DEFENSE: retention necessary TREASURY: retention necessary	
218. Act of July 2, 1926, 44 Stat. 780, 781; 10 USC 291a and 291e. <u>In time of war</u> a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of aircraft and also, <u>in time of war</u> , may include any officer who has received an aeronautical rating as observer.	Defense		Sen. Doc. 42 states that this appears to have been superseded by the Act of Oct. 4, 1940, 54 Stat. 963.
222. Act of June 30, 1942, ch. 462, sec. 3; 56 Stat. 464; 50 USC App. 808. Modification of age limits for original appointments to commissioned rank and staff and corps of the Navy <u>until June 30 of the fiscal year following that in which the present war shall end.</u>	Defense	DEFENSE: its termination will have no material effect.	
226. Act of Mar. 3, 1925, ch. 450, 43 Stat. 1129. Right to take exclusive possession of the Presidio of San Francisco Military Reservation, including that portion transferred to the city and county of San Francisco <u>in the event of war or any other great national emergency.</u>	Defense		This authority will not be suspended if the present emergency can be construed as a "Great" national emergency.

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229. Act of June 25, 1942; ch. 447, 56 Stat. 390-391; 50 USC App. 781-785. Prohibition against photographing, etc. of military or naval reservations, naval vessels, etc. without authority, <u>during the present war.</u>	<u>Defense</u> Justice	DEFENSE: retention is necessary in the interest of national security.	
230. Act of Aug. 24, 1912, ch. 310, sec. 13; 37 Stat. 569; 48 USC 1306. Designation by the President of an officer of the Army to assume exclusive authority and jurisdiction over the operation of the Panama Canal "in time of war--or when, in the opinion of the President, war is imminent."	<u>Defense</u> Canal Zone Govt.	DEFENSE: termination will have no material effect.	Defense's position requested - however, possibly the discretion given the President to put the authority in operation when war is imminent is sufficient.

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232. Act of June 7, 1939, ch. 190, sec. 5; 53 Stat. 811, as amended, 50 USC 98(d). Use of strategic and critical materials, acquired to supply industrial, military, and naval needs of the country and prevent dependence of U. S. upon foreign nations for such supplies, "only upon the order of the President in time of war, or when he shall find that a national emergency exists with respect to national defense as a consequence of the threat of war."	Defense GSA, Defense Materials Proc.	DEFENSE: retention necessary	No action necessary if wording in 1950 emergency complies with requirement that "an emergency exists as a consequence of the threat of war."
239. Small Business Mobilization Act of June 11, 1942. Sec. 1, 56 Stat. 351-357; 50 USC app. 1101. Grants authority to mobilize aggressively the productive capacity of all small business concerns, "To augment war production."	Small Defense Plants Adm. Commerce, Defense RFC	COMMERCE: despite similar authority under Defense Production Act of 1950 its broad general authority should be augmented with detailed language in Small Bus. Mob. Act.	This authority might expire on termination of war; however, authority may have been granted in the act creating Small Business agency.
242. Lanham Act of Oct. 14, 1940, sec. 4, 54 Stat. 1127 as amended; 42 USC 1521, 1532, 1541, 1561, 1562. Authority of Gen. Serv. Adm. and Housing Adm. under secs. 1, 202, 401, and 402 of Lanham Act (defense housing) is to terminate when President shall have declared that "limited emergency" has ceased to exist, except with respect to contracts previously made, etc.	HHFA GSA Nat. Cap. Housing	HHFA: Only certain leases, construction and continuation programs on which Lanham Housing projects are based (see secs. 301 & 304 of Lanham Act (42 USC 1541 and 1544)) can be extended is by a bill continuing a technical state of war for this purpose. Nat. Cap. H'sing. stated termination of war or emergency may raise questions of power to operate under this Act. to be terminated by termination of war, extension of this Act should be considered if there has not already been superseding or sub. language.	S. Doc. 42 states that while war housing and defense projects and works acquisition programs have terminated, statute is required with respect to a reuse program of surplus structures under Title V and acquisition of land under secs. 1, 292, 401, & 402 of the Act. In view of possibility of limited emergency being construed

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244. Act of Jan. 21, 1942, ch. 14, sec. 6, 56 Stat. 42, USC 1544.
 Authority of the HHFA under Lanham Act, sec. 304, during the emergency to adjust rents to the income of the person housed (amending Act of Oct. 14, 1940 (54 Stat. 1127, sec. 4), as amended by Act of June 28, 1941 (55 Stat. 363, sec. 4(b)).

245. Act of April 10, 1942, secs. 401-404; 56 Stat. 212-213; 42 USC 1561 (et seq.).
 Lanham Act of Oct. 14, 1940, which provides for defense housing in the States is extended so as to apply to D. C. (Authority of Gen. Services Administrator and Administrator, HHFA under this Act "is to expire when President shall have declared 'limited emergency' to have ceased to exist."

245a. Housing and Rent Act of June 23, 1950. 64 Stat. 354; 50 USC App. 1881 et seq.
 Contains authority for rent control, etc.

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"Responsible Agency (underlined)	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
and "Commenting Agency"		

HHFA
Office of Rent Stabilization

HHFA
GSA
D. C.

Housing Expediter.
ESA
Justice

HOUSING EXPEDITER: Courts might interpret any general declaration as to end of war or emergency if not carefully considered in such a manner as to jeopardize the constitutional basis for rent control. He recommended some kind of savings clause.

As position of Housing Expediter was expressed before declaration of 1950 emergency a recent inquiry was made as to its position. The Office states that it still considers the matter in doubt. Would like Justice to comment on this point.

Statutory Provision Item Number, Citation and Digest	"Responsible Agency (underlined)	and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
261. Title I, First War Powers Act of Dec. 18, 1941, ch. 598, Title I; 55 Stat. 838, 839, 50 USC App. 601-605. This Title contains President's wartime reorganization powers of the Exec. agencies which expire <u>6 mos. after the termination of war.</u>	<u>Defense</u> Labor AEC Commerce <u>CIA</u>		DEFENSE: Urgently needed. STATE: Termination of Pres.'s authority to redistribute functions might seriously affect certain of its operations. LABOR: It would lose certain labor supply functions transferred from War Manpower Commission needed in connection with Defense Prod. Act of 1950. AEC: certain Exec. Orders giving right to make emergency purchases and to import duty-free make it essential. <i>affects procurement?</i>	Title II which relates to renewal of restrictions on Govt. contracting with which previous comments of some of the agencies were concerned has been kept in force during the nat'l emergency proc. of 1950. Act of Jan. 12, 1951, ch. 1230, sec. 1, 64 Stat. 1257, 50 USC app. 611 note.
263. Act of Dec. 2, 1942, 56 Stat. 1028-1036; 42 USC 1701-1706, 1711-1717. Compensation is provided for injuries resulting from "War Hazards" to persons (1) employed by Govt. contractors, (2) engaged by U.S. for services outside U.S. or (3) employed as civilian employees of a post exchange or ship-service store outside U.S.	<u>Defense</u> <u>FSA</u> <u>CIA</u> Labor		DEFENSE, CIA and LABOR all agreed retention is necessary.	yes <i>comment</i>
263a. E.O. 9414, Jan. 13, 1944. 5 CFC 944 Supp. Provides authority to promulgate amendments to leave regulations during the war period.	<u>CSC</u>		CSC: Redelegation of this authority on war's termination under Act of Aug. 8, 1950, P.L. 673, 81st C., is necessary.	Does not call for any new legislation and if any E.O. needs to be issued, the CSC should assume responsibility therefor.

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and "Commenting Positions Stated by
Agency" Agencies in 1950 Survey Remarks by the
Bureau of the Budget

265. Act of March 3, 1909, ch. 255, sec. 2, 35 Stat. 768, as added Defense
by Act of April 9, 1943, ch. 39, 57 Stat. 60; 34 USC 533.
"In time of war and not exceeding 6 mos. thereafter" such stores as may be designated by the Sec. Navy may be procured and sold to civilian officers and employees when the Sec. finds it is impracticable for such persons to procure such stores from private agencies without impairing efficient operation of stations.

Commerce
DEFENSE: retention necessary.

267. Act of Oct. 25, 1943, ch. 276, 57 Stat. 575, as amended, 38 USC V.Adm.
11(a) note.
Authority of Adm. of Vets. Affairs to utilize V.A. automotive equipt. to transport employees between field stations and public transportation "until 6 mos. after termination of present war."

V.A.: Necessary because of possible shortage of gasoline, private automobiles, curtailment of transportation during strikes or otherwise.

270. Act of Dec. 23, 1944, ch. 716, 58 Stat. 921-22; 50 USC app. 1705-1707.
Authority of disbursing officers to cash checks, etc. "until 6 mos. after present war."

Defense
State
Treasury
CIA
DEFENSE: Retention necessary because in foreign areas without banking facilities, as in Korea, this authority for disbursing officers to cash checks is extremely important.

Treasury planned to introduce amendment to make this permanent. Has this been done?

STATE: Could be continued.
TREAS.: Should be made permanent law as need is not temporary or related to a state of war.

Statutory Provision Item Number, Citation and Digest	"Responsible Agency (underlined)	and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
308. Act of July 5, 1945, sec. 3, ch. 270; 59 Stat. 411. D. C. Code 3-108 note. Appointment of certain retired officers as superintendent of Gallinger Municipal Hospital and detail of commissioned officer of Pub. Health Serv. to act as supt. of same, authorized "until 6 mos. after present war."	D. C.		D. C.: did not wish to recommend continuance of this authority in Nov. 1950 but requested opportunity to make its decision later.	Now is the time.
310a. Act of July 28, 1945, ch. 328, sec. 5(b); 59 Stat. 505, 5 USC 801. Where Govt. employees suffer death or disability after capture or detention by the enemy, such disability or death shall be deemed to have resulted from performance of duty "during present war."	Defense CIA Commerce Mutual Security Adm.	Treasury CIA Commerce Mutual Security Adm.	DEFENSE: Failure to retain would seriously impede recruitment of qualified personnel. CIA: Important to retain. STATE: Permanent legis. should be enacted.	CONFIDENTIAL
319. Act of Oct. 21, 1942, secs. 119 and 156, 56 Stat. 814, 815; and 852-856; 26 USC 22 and 127. Losses due to property destroyed or seized in the course of military or naval operations or under enemy control in present war shall be allowed for in computing taxes.			S. Doc. 42 indicates that sec. 22 was amended to terminate through the period Jan. 1, 1948, to Jan. 1, 1951, but that sec. 127 still remained in effect and probably should be kept in effect as long as there were military or naval operations.	
333. Act of March 24, 1945, sec. 1(a), ch. 36; 59 Stat. 38, as amended 20 USC 1426(i) and note, 50 USC App. 1291. Amendment to sec. 1426(i) of Internal Revenue Code to effect that Fed. Maritime Bd. and Sec. of Commerce are to make payments of tax imposed under sec. 1410 (employer's tax), without regard to the \$3,000 limitation in section 1426 (a,1), etc. with respect to employment prior to "termination of Title I of the First War Powers Act (6 mos. after the war".	Treasury FSA Commerce Fed. Maritime		S. Doc. 42 states that this employment tax coverage should continue as long as Maritime Commission continued to operate vessels since private carriers and their employees were subject to these taxes. If vessels are still being operated comment is necessary. Any amendment to be made to the First War Powers Act should be checked since operation of this Act of Mar. 24, 1945 is related to the First War Powers Act.	

N/C

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338. Act of Oct. 21, 1942; sec. 403(d)(3), ch. 619, sec. 452(c); 56 Stat. 944 and 952 as extended; 26 USC 811 & 1000 note.

Provides that servicemen shall be considered under legal disability to release a power of appointment in connection with estate and gift taxes "until the termination of the present war."

X
347. Act of June 27, 1942, ch. 453; 56 Stat. 461; 50 USC App. 801-802

Free importation of personal and household effects of persons in service of U.S. or his family, and persons evacuated under Government orders, "until proclamation of peace."

352. Act of Dec. 22, 1942, ch. 803, 56 Stat. 1071, 48 USC 510 note.

Authorization for payment for use of certain wharves of Territory of Hawaii by U.S. "until 6 mos. after the present war."

"Responsible Agency
(underlined)
and "Commenting Positions Stated by Agency" Agencies in 1950 Survey

Remarks by the Bureau of the Budget

Treasury

Defense

TREASURY: No need to extend these provisions pending disposition of the powers of appointment problem now being considered by it.

Defense

CIA
Treasury
State

DEFENSE: Retention necessary. CIA: Continuation of statute important.
TARIFF COMMISSION: May be desirable to retain.
STATE: should continue as permanent legislation.

If war were terminated without a Presidential proclamation of peace this statute might continue in effect.

Defense

Interior
Justice

DEFENSE: Legislation may be invaluable in peacetime even in the absence of an emergency, but is essential in view of the Korean situation.
INTERIOR: Retention necessary.

Sec. 510 provided that Territory of Hawaii shall receive revenues from wharves constructed by the former Republic of Hawaii except that no charges shall be made for its use by U.S. Apparently Congress thought U.S. should pay for the heavy wartime use. Is that consideration (cont.)

Statutory Provision,
Item Number, Citation and Digest

352. (cont.)

Statutory Provision, Item Number, Citation and Digest	"Responsible Agency" (underlined)	and "Commenting Positions Stated by Agency" Agencies in 1950 Survey	Remarks by the Bureau of the Budget
363. Act of Nov. 22, 1943, ch. 301, 57 Stat. 590, 36 USC 183, 184.	VA Defense	VA: Need arises only where burial is outside the U.S., otherwise, the flag is given by the military departments and if it is amended because of deaths and burials in Korea responsibility for issuing the flag should be given to the military departments.	still valid under today's conditions or is the policy behind the original sec. 510 applicable?
365a. Veterans Preference Act of June 27, 1944, ch.287, sec. 2, 58 Stat. 387, as amended; 5 USC 851.	CSC	CSC: Termination of war would provide cut-off date to prevent acquisition of veterans preference during a technical state of war on the basis of service which is essentially peacetime without prohibiting acquisition of preference to those actually engaged in combat, as in Korea.	Is CSC interpretation correct? Are those fighting in Korea engaging in "war" within the meaning of this statute? Would like Justice's interpretation of this question.
Provides that preference be given unmarried widows of deceased ex-servicemen, and ex-servicewomen, and widowed mothers in an unmarried status of deceased and permanently and totally disabled ex-servicemen or ex-servicewomen and other similar categories, where the servicemen served in active duty during any war.	VA Defense Justice		

Statutory Provision,
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365b. Vocational Rehabilitation Act of June 2, 1920, secs. 2, 3 and 10, ch. 219; 41 Stat. 735, 736, 767, as amended. 29 USC 32(a)(10) 33 (a)(1) and 40(b).

These sections authorize 100% Federal reimbursement to States for expenditures in vocational rehabilitation of war-disabled civilians disabled while serving prior to the termination of the war as declared by Congressional resolution or Presidential proclamation.

376. Alien Enemy Act of 1798. R.S. 4067-4070; 50 USC 21-24.

Under this act alien enemies are removed from the country. R.S. 4068 allows them time to remove their goods and depart from the U.S.

Responsible Agency"
(underlined)

and "Commenting Agency"

FSA
Defense
VA

Positions Stated by Agencies in 1950 Survey

FSA: No reason for further extension of the period during which States may receive 100% reimbursement.

Remarks by the Bureau of the Budget

Is there agreement with FSA in view of the Korean situation?

Justice

State
Defense

This authority exists whenever there is a declared war or threat of invasion of U.S. territory. Would there be any occasion for this authority except under these circumstances?

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Statutory Provision Item Number, Citation and Digest	<u>State</u>	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
376a. Certain International Agreements-concerning, for example, jurisdiction over criminal offenses committed by armed forces over prizes, military and naval cooperation, flights of military aircraft, leased areas, exchange of agricultural workers and procurement of strategic materials - <u>"terminate with the termination of the state of war".</u>			STATE: If the time schedule State should have this for termination with Germany and Japan were speeded up, its position in reviewing and re-negotiating these agreements must be reconsidered.	The emergency on which this authority depends is assumed to terminate with the termination of the state of war.
380. Lend Lease Act of Feb. 7, 1942; sec. 301, ch. 46 56 Stat. 82; 22 USC 412 note.	Defense			Will the revisions be completed?
Authority of the President during the existing national <u>(1941)</u> emergency to permit the Secretary of the Navy to lease ships appropriated for in whole or in part in the Naval Appropriation Act or to dispose of defense articles procured from funds appropriated by this act to countries whose defense/deems vital to the defense of U.S. <u>he/</u>	State			
382. Act of June 19, 1943; 57 Stat. 159, ch. 132	State			If the war emergency here referred to were construed to be the 1939 and 1941 emergencies and not the 1950 emergency this authority would be assumed to end with the termination of the state of war.
Provision for participation by U. S. in Emergency Advisory Committee for Political Defense and authorization of appropriation therefor (for the period of the <u>war</u> emergency or so long as the American Republics may deem the continuation of its activities to be essential to the welfare of the hemisphere).				
390. Act of Mar. 24, 1908, ch. 96, 35 Stat. 46, 46 USC 133. Exemption of hospital ships in accordance with the International convention of Dec. 21, 1904 (35 Stat. 1854-62), from all dues and taxes imposed on vessels by the laws of the U.S., and from all pilotage charges " <u>in time of war.</u> "	Defense	DEFENSE: termination would have no material effect.	Why should not this exemption continue to be beneficial in the Korean conflict as in the case of formal war?	State

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Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
395. Act of February 21, 1942, ch. 104, 56 Stat. 95; 22 USC 447(e). Suspends, when the U.S. is at war, the provisions of the Neutrality Act which prohibit financial transactions by persons with governments proclaimed to be at war with each other by the President.	State Defense, Commerce Ex-Im Bank International Bank	STATE: No objection to expiration of this act. DEFENSE: While war might be considered imminent there is doubt on this point and the statute should be extended after the termination of the state of war. STATE: The help of the Red Cross is needed and the authority is in some doubt.	If the President were to proclaim Jugoslavia and Russia to be at war or, China and French Indo-China or China and the Republic of Korea and the termination of the war made the Neutrality Act applicable, financial transactions with Jugoslavia, Korea & French Indo-China would be prohibited. Is this satisfactory?
396. Act of Apr. 24, 1912, ch. 90; 37 Stat. 90 as amended; 36 USC 1C, 11. Authority of the President to accept the assistance of the American National Red Cross "in time of war or when war is imminent"; and during such time Red Cross personnel may travel as civilian employees without payment of passport fees when proceeding abroad.	Defense State, Interior	DEFENSE: retention necessary. Since there may be some question as to whether we will be in a time of threatened war following termination of war if this statute is needed, serious consideration should be given to its extension.	
400. Act of Aug. 29, 1916; ch. 417, 39 Stat. 604; 10 USC 1362 19 USC 6(8). The President may demand "in time of war or threatened war" that preference and precedence over all other traffic be given for the transportation of troops and war material.	Defense ICC, ODM		

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Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
402. Act of Feb. 28, 1920, ch. 91, sec. 420(15), 41 Stat. 477(15), 49 USC 1 (15). The Interstate Commerce Commission is to direct that preference be given to transportation of such traffic as the President deems essential to national defense and security " <u>in time of war or threatened war</u> ".	Defense ICC	DEFENSE: Retention necessary ICC	Since there may be some question as to whether we will be in a time of threatened war following termination of war if this statute is needed, serious consideration should be given to its extension.
405. Act of May 16, 1942, sec. 420, ch. 318, 56 Stat. 298 49 USC 1020. The authority of the President to certify to the Interstate Commerce Commission that certain traffic is to be given priority in transportation " <u>in time of war or threatened war</u> " is made equally applicable to freight forwarders.	Defense ICC	DEFENSE: Retention necessary ICC	Since there may be some question as to whether we will be in a time of threatened war following termination of war if this statute is needed, serious consideration should be given to its extension.
409a. Communications Act of June 19, 1934, sec. 606(d), 48 Stat 1104 as amended; 47 USC 606 involves the power of the President to change rules of communication stations upon proclamation that there exists a state or threat of war involving the U.S. and when he deems it in the interest of national security and defense, <u>until not later than 6 months after the war</u> .	FCC Defense, Commerce Justice	FCC: The power under sec. 606(c) which is essential, exists during a rational emergency. It made no comment, however, upon the power of sec. 606(d) which terminates 6 months after the end of the war.	
415a. A non-statutory permission was given the Army to use the CAA airports in Alaska for a period ending 6 months after the termination of the 1941 emergency. Since the cessation of hostilities the airports have been returned to the CAA but the authority has never been revoked.	Defense Commerce	COMMERCE: will defer to Defense's wishes in this matter.	We suggest that Defense and Commerce work out the action to be taken and advise us.

Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
42a. Merchant Ship Sales Act of March 8, 1946; sec. 9(c)(3) 60 Stat. 41, 50 USC app. 1742(c)(3); Provides for compensation for use of vessels taken by the U.S. not to exceed 15 percent per year of the sales price and is applicable for the period prior to the termination of the existing 1941 emergency.	<u>Commerce</u> Justice	COMMERCE: This section 1742 This would seem (c)(3) is not needed. to be the case since section 1742(c)(2) requires compensation at the same maximum rate without any termination date.	
42b. Act of June 6, 1941; ch. 174, 55 Stat. 242, 245, as amended 50 USC app. 1271-75. Authority of the President to purchase, requisition, etc., foreign vessels lying idle in waters under jurisdiction of the United States and of the U. S. Maritime Commission to charter foreign vessels and to recharter, insure, purchase, etc., same, extended "until 6 months after the present war."	Defense Commerce State	DEFENSE: Retention is necessary; COMMERCE: There is need for this authority existing charters of certain old Great Lakes ore boats would be terminated. STATE: No harm would be done to continue this authority for post emergency use.	
42c. Act of March 18, 1943, ch. 17, title I, sec. 1 ch. 17; 57 Stat. 25; 22 USC 412(a). Provides for the lease of certain merchant vessels under the Lend Lease Act until 6 months after the present war.	State Commerce, Maritime Bd.	STATE: USSR is the only government that has not returned leased vessels and these were procured out of funds other than those covered by the Act of Mar. 18, 1943. For that reason no objection to this authority expiring.	
439. Act of March 24, 1943, ch. 26, secs 1 & 5; 57 Stat. 45-51; 50 USC app. 1291 and 1295. Extends to seamen employed through the War Shipping Adm. and its successors (Maritime Administration) the rights of American seamen on private vessels, until 6 months after present war. (During continuance of Title I of the First War Powers Act)	Commerce Maritime Board	COMMERCE: No need to continue If there is sec. 1a with respect to seamen any disposition employed in World War II and to continue this sec. 1b has been repealed and act attention superseded by the Social Security should be Act and the Internal Revenue Code. given to the action that is taken with respect to title I of the First War Powers Act.	

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Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
443. Act of Mar. 2, 1929, 45 Stat. 1495(e) as amended; 46 USC 85g(e) Concealing, removing, etc. marks placed on American vessels is not penalized if done to prevent "capture by an enemy".	Defense Commerce State	2 w/ 0	This is permanent legislation which would come into operation whenever we were at war but it may be advisable to have this statute in operation with respect to countries who might not be technical enemies, as for example, Koreans or Chinese Communists fighting with Korea.
444. Act of April 16, 1936, sec. 4(2)(e)(f); 49 Stat. 1210 46 USC 1304. Under contracts for the carriage of goods by sea, neither the carrier nor the ship is to be liable for loss or damage arising or resulting from an "act of war" or "act of public enemies".	Commerce Treasury State	3 w/ Does not affect us at all	There is a question as to whether there would be liability for damage from losses due to Korean activities. If it is desired that there be no liability the provision should be amended.
448. Act of May 22, 1917, ch. 20 sec. 16, 40 Stat. 88; 33 USC 858. The Secretaries of War, Navy, and Commerce are jointly to prescribe regulations governing the Coast and Geodetic Survey "in time of war".	Commerce Defense		The Coast and Geodetic Survey has been returned to Commerce; furthermore, the Act of July 25, 1947, P.L. 239, 80th Cong. declared the war to be terminated for purposes of this section. Does this leave the authority to issue regulations with the desired dept.?
448a. Act of Oct. 12, 1949, ch. 681, title III, sec. 303, 63 Stat. 813, 37 USC 253. Authorizes travel of commissioned officers of the Coast and Geodetic Survey and transportation of household effects to his home within one year after termination of the war or within one year after the date of retirement or relief from active duty whichever is later.	Commerce GAO	COMMERCE: Termination of the war would have no appreciable effect.	It is difficult to see what relevancy the termination of the war has since travel and transportation can be authorized after retirement or relief from administrative duty as well as after termination of war. Might there be some need for travel or transportation upon some kind of separation from service?

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Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
448b. Act of Dec. 3, 1942; 56 Stat. 1038, 33 USC 855a; ch. 670 sec. 2, 56 Stat. 1038. Commissioned officers of the Coast and Geodetic Survey assigned during the period of the present war to duty for military departments outside the U.S. have the rights and benefits of officers actually transferred to the service of the Army or the Navy.	<u>Commerce</u> VA, Defense CSC	VA: No recommendation - These rights and benefits do not ordinarily exist on assignments as contrasted with transfer in time of peace.	
458. Act of Mar. 21, 1945, ch. 30, 59 Stat. 37; 50 USC App. 1721 and 1725. Authority for grade and rank of admiral on the active list of the Regular Coast Guard <u>until 6 mos. after the present war.</u>	<u>Defense</u> Treasury		
460. Espionage Act of June 25, 1948; ch. 645, sec. 1; 62 Stat. 683; 18 USC 794, 964, 1717, 2388, 2153, 2154. Punishments are increased in time of war and additional offenses created with respect to gathering or delivering defense information to aid foreign governments in time of war (sec. 794). Penalties are imposed for injuring or destroying war materials or making war materials in a defective manner in time of war. (secs. 2153-4) Penalties are provided for false reports or false statements with intent to interfere with the operation or success of military or naval forces of the U.S. Also in time of war Sec. 964 makes it unlawful during a war in which the U.S. is a neutral nation to deliver armed vessels to a belligerent; sec. 1717 makes unlawful the mailing of letters in connection with secs. 794 and 2388.	<u>Defense</u> Post Of. Justice	JUSTICE: Sections 2155 and 2156 prohibit similar activities during peace with lesser penalties and stricter proof which it believes is sufficient. P.O.: Suspension of sec. 1717 would not affect its operations.	Sec. 964 might be affected by the termination of war depending upon the international situation.

Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
461. Trading with the Enemy Act of Oct. 6, 1917, ch. 106; 40 Stat. 411-426 as amended. 50 USC app. 1 et seq. Penalizes trading with the enemy and authorizes Office of Alien Property Custodian to vest property of foreign nationalists and to confiscate property of enemies to pay benefits to Americans.	<u>Justice</u> War Cl. Com Commerce, Defense State	JUSTICE: Authority to vest property should be retained. WCC: Authority to vest property should be retained.	This was taken care of insofar as war with Germany was terminated in the resolution terminating the state of war with Germany on Oct. 19, 1951, P.L. 181, 82nd Cong. 1st session. Apparently there is no objection to trading with Japanese and Germans when the termination of the war releases their enemy status. Is there, however, the same necessity to retain the vesting power with respect to Japanese property as there was with respect to German property?
462. Alien Enemy Act of 1798, R.S. 4067 as amended; 50 USC 21-24. Alien enemies can be removed from the country under this act whenever there is a <u>declared war or a threat of invasion of U.S. territory.</u>	<u>Justice</u> Defense	ADM. OF. OF U.S. COURTS: Statute little used and its expiration would have very little effect.	There seems some question as to whether the word "enemy" as used here depends upon a state of war since it covers a threat of invasion which might not involve a state of war. Perhaps only the threat of invasion under a state of war is contemplated. Would like Justice's opinion on this. Is the need for this act eliminated by the Int. Security Act of 1950 (P.L. 831, 81st Cong.)?

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Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Provisions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
463. Passport Act of May 22, 1918; 40 Stat. 559, as amended; 22 USC 223, 224. <u>When the U.S. is at war or during the unlimited emergency</u> the President is authorized to impose additional restrictions and prohibitions upon the departure of aliens and citizens from and entry into the U.S.	<u>Justice</u> State	JUSTICE: Desirable to preserve this authority to prevent the departure of certain classes of aliens. STATE: retention necessary	Termination of the state of war may also terminate the unlimited emergency of 1941. ht 1941
468a. Act of June 25, 1948, sec. 1, ch. 645; 62 Stat. 828; 18 USC 3287. <u>When the U.S. is at war the running of the statute of limitations as to certain offenses shall be suspended until 3 yrs.</u> after the termination of hostilities.	<u>Justice</u> GAO, Justice	ADM. OF. OF U.S. COURTS: Suspension of the statute of limitations is desirable so that these cases may be tried while fresh.	With the termination of the state of war this law will not be operative as to the Korean situation.
469. Act of Aug. 18, 1942; 56 Stat. 746-747 as amended; 34 USC 1159-1163. District courts are to have original jurisdiction of prizes captured by the United States "during war" and said courts may appoint special prize commissioners to exercise duties abroad; the War Shipping Adm. may appropriate prize property for use of the United States; reciprocal privileges are to be accorded co-belligerents of the United States.	<u>Justice</u> Commerce, Ad. Of. of U. S. Courts State, Defense	Is this law needed with respect to jurisdiction over continuing litigation of prizes captured while the U.S. was at war? Will it also be needed with respect to the capture of any prizes during the Korean trouble?	

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Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
469a. Act of June 25, 1948, as amended by the Act of May 24, 1949, ch. 139, sec. 93; 63 Stat. 103, 28 USC 1782. Permits depositions to be taken in the United States for use in the courts of any foreign country with which we are at peace (Germany and Japan).	<u>Justice</u>	ADMIN. OFF. U.S. COURTS: Termination of war would be wholly beneficial	
469b. Various rules of the U. S. district courts and courts of appeals which depend upon the existence of a state of war	<u>Justice</u>	ADMIN. OFF. U.S. COURTS: These rules are not very numerous or important but where amendment is necessary because of past emergency the amendment can be made by the respective courts.	Would like Justice to report whether it can take care of this problem.
476 and 477. Act of Oct. 6, 1917, ch. 95; 40 Stat. 394, as amended; 35 USC 42, 42a-f and notes. If it is found that the publication of an invention by the granting of a patent might be detrimental to the safety or defense of the United States, such grant may be withheld until the termination of the war. It also requires license from the patent commissioner to file application for foreign patents during the war.	<u>Defense</u> <u>Justice</u> <u>Commerce</u> <u>AEC</u> <u>Government</u> <u>Patent Bd.</u>	<i>CIA</i> DEFENSE, COMMERCE & AEC: Continuation of this authority is essential.	S. 2257 and H. R. 6389 were introduced in the 81st Congress to provide the needed authority. It should be indicated whether this bill should be enacted separately or introduced in legislation here being proposed. <i>COMMITTEE</i> <i>CIA (cont)</i>
479. Royalty Adjustment Act of Oct. 31, 1942; Ch. 634; 56 Stat. 1013-15; 35 USC 89-96. Provides for adjustment of royalties to be paid to government contractors for use of inventions in aid of the prosecution of the war, until 6 months after the present war.	<u>Justice</u> <u>Commerce</u> <u>Interior</u> <u>Defense</u> <u>AEC</u> <u>Government</u> <u>Patent Bd.</u>	<i>CIA</i> JUSTICE: The provision should be enacted into permanent legislation; COMMERCE: Favor continuation S. 956, 81st. Cong. is acceptable if amended to permit coordination of the different agencies as possible under Title I of the First War Powers Act. INTERIOR: Retention necessary.	H.R. 2257 is pending in the 82nd Congress. Recommendation should be made as to whether we should rely on the enactment of H. R. 2257 independently or incorporate it in this proposed legislation. <i>CIA CONCERN</i> <i>COMMITTEE</i>

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N.C.
X
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"Responsible Agency"
(underlined) and
"Commenting Agency"

Position Stated by
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481. Nationality Act of Oct. 14, 1940; sec. 306, ch. 876;
54 Stat. 1141; 8 USC, sec. 706.

Any person who deserts the military or naval forces of
the United States, or who leaves the jurisdiction of the
United States in order to avoid being drafted into the
military or naval service, becomes ineligible for citizen-
ship, and such deserters are barred from holding any office
of trust or profit or of exercising the rights of citizens,
at any time during which the U. S. has been or shall be at war.

Defense

Justice

JUSTICE: Feels it is
not necessary to apply
this penalty except in
time of actual warfare.

Note, however that the

Act of Sept. 27, 1944,
ch. 418, secs. 1 and 2,

58 Stat. 746; 8 USC 136

(d), Act of Jan. 20,

1944, ch. 2 sec. 1, 58 Stat. 4; sec.

401g; 54 Stat. 1169, 8 USC 801g pro-

vide for loss of nationality of any

person who leaves the U.S. to evade

military service not only in time of

war but during a period of national

emergency. One takes away citizen-

ship and the other makes a non-

citizen ineligible for citizenship.

It would not seem to be consistent

that a citizen should lose his

citizenship during the present emer-

gency while a non-citizen would not

become ineligible for citizenship

for the same offense.

481a. Act of Oct. 14, 1940, ch. 876, sec. 323; sec. 33 of
54 Stat. 1149; 8 USC 723.

Provides for the expeditious nationalization of former
U. S. citizens who lose their U. S. citizenship because
they served with the armed forces of a country at war with
a country with which the U. S. was or is at war.

Justice

Defense

State

JUSTICE: Termination
of these provisions with
the termination of the
state of war is appro-
priate.

Would appreciate an
analysis of this law
and the effects of a
termination of World
War II upon it and a
fuller statement of
why it should be left
to expire.

should we recomment
on our loss of cit-
izenship problem

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481b. Act of Oct. 14, 1940, ch. 876, 326, sec. 326;
54 Stat. 1150; 8 USC 726.
Sets forth the special requirements for naturalization of any alien who is a citizen of an enemy state.

481c. Act of Oct. 14, 1940, sec. 342 of ch. 876,
54 Stat. 1161, as amended; 8 USC 7421.
Provides for waiver of certain fees in connection with naturalization of aliens in our armed forces
when the U. S. is at war.

"Responsible Agency"
(underlined) and
"Commenting Agency"

Justice
Defense
State

Justice

Position Stated by
Agencies in 1950 Survey

JUSTICE: This law can stand unchanged; German and Japanese citizens will no longer be enemy aliens and the special requirements for naturalization need no longer apply.

JUSTICE: The number of aliens in the armed forces during peacetime is comparatively small and no action to preserve this waiver is necessary.

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Is there any complication because of "Nazi" or Communist German and Japanese citizens?"

Is not this waiver for the benefit of the individual alien who presumably has limited funds, and who is entitled to special consideration because he is serving in the armed forces? If so is the number of such aliens a determining factor?

Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
481d. Act of Dec. 28, 1945, sec. 1(c)(1), ch. 590; 59 Stat. 658; 50 USC App. 640. Aliens serving honorably in the armed forces during the present war may be naturalized under special requirements.	<u>Justice</u> <i>N.C.</i> Defense State	JUSTICE: authority has been of little if any value since the termination of hos- tilities in World War II.	
483. Immigration Act of Feb. 5, 1917, as amended by the Internal Security Act of Sept. 23, 1950, 8 USC 156. This act sets forth the special territories to which an alien may be deported if the U.S. is at war and it is impractical or in- convenient to deport him because of enemy occupation of the country whence the alien came. <i>N.C.</i>	<u>Justice</u> Defense, State	JUSTICE: Legislation needed in order to admit Japanese or Korean and other aliens after termination of the war.	
483a. Act of Aug. 19, 1950; ch. 759, 64 Stat. 759, 8 USC 239. The act authorized the admission of certain alien spouses and unmarried minor children of members of the armed forces <u>during</u> World War II.	<u>Justice</u> Defense		
483b. Displaced Persons Act, of June 25, 1948, as amended by Act of Jan. 16, 1950, Opt. 262, 64 Stat. 219, 50 USC 1951. This amendment authorizes the issuance of immigration visas to various persons who fought during World War II and sec. 13 (50 USC 1961) prohibits visas to any person who voluntarily fought against the U.S. <u>during</u> World War II. <i>N.C.</i>	<u>Justice</u> State Defense	DEFENSE; said retention necessary in view of the Korean conflict so that persons affected there will have 1 year after the conflict is ended for the filing of their claims. AD. OF U.S. COURTS: termination of war would have the desirable effect of speeding such suits into the courts.	
489a. Act of July 3, 1943, ch. 189 sec. 1, 57 Stat. 372 as amended <u>Defense</u> Act of Dec. 28, 1945, ch. 597, sec. 1; 59 Stat. 662; 31 USC 223b, 223d. Extension to <u>within one year after peace is established</u> of time Justice limit on claims against the U.S. Govt. to the Secretaries of Army Ad. Of U.S. Courts (223b) and Navy (223d) for damages caused by military or civilian personnel where the accident or incident occurs in time of war or if the war <u>intervenes</u> within one year after the incident's occurrence.			

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489b. Act of June 25, 1945, ch 646; 62 Stat. 985;
28 USC 2680j.

Tort claims procedure shall not be applicable
in time of war to any claim arising out of the
combatant activities of the military or naval
forces.

492a. War Claims Act of July 3, 1948, ch. 826 sec. 8
62 Stat. 1245, as amended; 50 USC App. 2007.

This section provides for inquiry into war claims
not presently compensable and the recommending of
legislation.

498. Act of Mar. 3, 1913, 37 Stat. 726; 40 USC 321.
This law limits the hours of laborers and mechanics
(Federal employees) on public works to 8 except in case
of extraordinary emergency.

"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
<u>Justice</u>	DEFENSE: The expiration will be of no material effect on Defense's activities but its continuance might be important to other agencies.	In view of the combat- ant activities in Korea does the Defense Dept. still consider this as having no material effect?
Admin. Off. U. S. Cts. Defense	ADMIN. OFFICE OF U.S. COURTS: The workload of Federal Courts would be increased with the end of the war and reinstatement of tort claims procedure.	
<u>War Claims Comm.</u>	WAR CLAIMS COMMISSION: Since the status of war claims depends in part upon a state of war, its termination would automatically determine the accrual of such war claims. If the measures designed to effect the cessation of the war contemplated the settlement of war claims, it is urged consideration be given the Commission's views which are contained in H. Doc. 580, 81st Congress, 2d session.	
<u>Labor</u>	LABOR: States that it is Action need be taken essential to preserve the with respect to this power to suspend this law. law if there is some question as to whether the emergency existing after termina- tion of the war will be an "extraordinary" emergency.	
Justice Defense NPA		

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Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
503. Act of Oct. 6, 1917, 40 Stat. 373; 24 USC 192 Interned persons and <u>prisoners of war</u> , under the jurisdiction of the Navy Department, are entitled to admission to St. Elizabeths Hospital for treatment.	<u>Defense</u> FSA		Sen. Doc. 42 stated this authority was needed to take care of persons still under treat- ment in the hospital. This may still be needed for this reason as well as to take care of Korean prisoners, depending upon whether they are considered prisoners of war despite the absence of a technical state of war. This authority may have been termi- nated by Joint Res. July 25, 1947, ch. 327 sec. 3, 61 Stat. 451.

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513a. Soldiers and Sailors Service Relief Act of Oct. 17, 1940, ch. 888, 54 Stat. 1178-1191; 56 Stat. 769-778; 50 USC app. Sec. 501 et seq.

Requirements of this act protect members of the armed services regarding non-payment of rent or lease violation. It is to remain in force or until the war is terminated by a treaty of peace proclaimed by the President and for 6 months thereafter.

50 USC app. 584.

513b. General Appropriation Act of 1951, sec. 1202, P. L. 759, 64 Stat. ch. 896.

Provides that the prohibition against paying compensation to officers or employees who are not citizens or persons in U. S. service who had filed a declaration of intention or who owed allegiance to the U. S. shall not apply to nationals of countries allied to the U. S. in the prosecution of the war.

527a. Federal Power Act of June 10, 1920. Sec. 16, 41 Stat. 1072; 16 USC 809.

Authorizes the U. S. to take possession of any licensed electric power project for the manufacture of nitrates, explosives or for any other purpose involving the safety of the U. S.

"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
<u>Defense</u>	NATL. CAPITAL HOUSING: Calls attention to the Act.	Sen. Doc. 42 states that provision has been made for termination of parts of this act (benefits under Article IV, 50 USC app. sec. 554) by the act of July 25, 1947, ch. 327, sec. 3, 61 Stat. 451. It states that other parts should be kept alive because of the military operations continuing.
<u>GAO</u>	STATE: Authority should be continued to grant exemptions to foreign nationals of certain free countries which have ceased to be allies. Fears that termination of the war would be interpreted to force the termination of the pay of nationals of former allies.	
<u>FPC</u>	FPC recommends that this act be continued as permanent legislation.	It would seem that this power would continue to exist even when the war is terminated --if in the opinion of the President the safety of the U. S. demands it.
<u>Justice</u>		